

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA	:	
	:	CONSENT PRELIMINARY ORDER
- v. -	:	OF FORFEITURE/
	:	<u>MONEY JUDGMENT</u>
PATRICK O’CONNOR,	:	
	:	S1 23 Cr. 370 (JGLC)
Defendant.	:	
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WHEREAS, on or about July 24, 2023, PATRICK O’CONNOR (the “Defendant”), among others, was charged in eight counts of a nineteen-count Superseding Indictment, S1 23 Cr. 370 (JGLC) (the “Indictment”), with conspiracy to commit securities fraud, in violation of Title 18, United States Code, Section 371 (Count One); securities fraud, in violation of Title 15, United States Code, Sections 78j(b) and 78(ff), Title 17, Code of Federal Regulations, Section 240.10b-5, and Title 18, United States Code, Section 2 (Counts Three, Five, Eight, and Twelve); and securities fraud, in violation of Title 18, United States Code, Sections 1348 and 2 (Counts Sixteen through Eighteen);

WHEREAS, the Indictment included a forfeiture allegation as to Counts One through Nineteen of the Indictment, seeking forfeiture to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), of any and all property, real and personal, that constitutes or is derived from proceeds traceable to the commission of the offenses charged in Counts One through Nineteen of the Indictment, including but not limited to a sum of money in United States currency representing the amount of proceeds traceable to the offenses charged in Counts One through Nineteen of the Indictment;

WHEREAS, on or about February 26, 2024, the Defendant pled guilty to Counts One and Eight of the Indictment, pursuant to a plea agreement with the Government, wherein the

Defendant admitted the forfeiture allegation with respect to Counts One and Eight of the Indictment and agreed to forfeit to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, 2461(c), a sum of money equal to \$180,244.04 in United States currency, representing the proceeds traceable to the commission of the offenses charged in Counts One and Eight of the Indictment that the Defendant personally obtained;

WHEREAS, the Defendant consents to the entry of a money judgment in the amount of \$180,244.04 in United States currency representing the amount of proceeds traceable to the offenses charged in Counts One and Eight of the Indictment that the Defendant personally obtained; and

WHEREAS, the Defendant admits that, as a result of acts and/or omissions of the Defendant, the proceeds traceable to the offenses charged in Counts One and Eight of the Indictment that the Defendant personally obtained cannot be located upon the exercise of due diligence.

IT IS HEREBY STIPULATED AND AGREED, by and between the United States of America, by its attorney Damian Williams, United States Attorney, Assistant United States Attorneys Jason A. Richman and Nicolas Roos, of counsel, and the Defendant and his counsel, Shawn G. Crowley, Michael Ferrara, Anne R. Yearwood, Esqs., that:

1. As a result of the offenses charged in Counts One and Eight of the Indictment, to which the Defendant pled guilty, a money judgment in the amount of \$180,244.04 in United States currency (the “Money Judgment”), representing the amount of proceeds traceable to the offenses charged in Counts One and Eight of the Indictment that the Defendant personally obtained, shall be entered against the Defendant.

2. Pursuant to Rule 32.2(b)(4) of the Federal Rules of Criminal Procedure, this Consent Preliminary Order of Forfeiture/Money Judgment is final as to the Defendant PATRICK O'CONNOR and shall be deemed part of the sentence of the Defendant, and shall be included in the judgment of conviction therewith.

3. All payments on the outstanding money judgment shall be made by postal money order, bank or certified check, made payable, in this instance, to the United States Marshals Service, and delivered by mail to the United States Attorney's Office, Southern District of New York, Attn: Illicit Finance and Money Laundering Unit, 26 Federal Plaza, New York, New York 10278 and shall indicate the Defendant's name and case number.

4. The United States Marshals Service is authorized to deposit the payments on the Money Judgment in the Assets Forfeiture Fund, and the United States shall have clear title to such forfeited property.

5. Pursuant to Title 21, United States Code, Section 853(p), the United States is authorized to seek forfeiture of substitute assets of the Defendant up to the uncollected amount of the Money Judgment.

6. Pursuant to Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure, the United States Attorney's Office is authorized to conduct any discovery needed to identify, locate or dispose of forfeitable property, including depositions, interrogatories, requests for production of documents and the issuance of subpoenas.

7. The Court shall retain jurisdiction to enforce this Consent Preliminary Order of Forfeiture/Money Judgment, and to amend it as necessary, pursuant to Rule 32.2 of the Federal Rules of Criminal Procedure.

8. The signature page of this Consent Preliminary Order of Forfeiture/Money Judgment may be executed in one or more counterparts, each of which will be deemed an original but all of which together will constitute one and the same instrument.

AGREED AND CONSENTED TO:

DAMIAN WILLIAMS
United States Attorney for the
Southern District of New York

By: Jason A. Richman
Jason Richman
Nicolas Roos
Assistant United States Attorneys
26 Federal Plaza
New York, NY 10278
(212) 637-2421/2589

February 20, 2024
DATE

PATRICK O'CONNOR

By: Patrick O'Connor
PATRICK O'CONNOR

2-26-24
DATE

By: Shawn G. Crowley, Esq.
Shawn G. Crowley, Esq.
Michael Ferrara, Esq.
Anne R. Yearwood, Esq.
Kaplan Hecker & Fink LLP
Attorneys for Defendant
350 Fifth Avenue, 63rd Floor
New York, NY 10118
(212) 763-0883

2/26/24
DATE

SO ORDERED:

Jessica Clarke
HONORABLE JESSICA G.L. CLARKE
UNITED STATES DISTRICT JUDGE

June 25, 2024
DATE